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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA.

No. 2:18-CV-04420-JFW (SSx)

Plaintiff.

**DECLARATION OF SPECIAL AGENT
ELIZABETH RIVAS IN SUPPORT OF
THE GOVERNMENT'S STATUS
REPORT RE STAY**

V.

V.

ONE ANCIENT MOSAIC

Defendant

[FILED UNDER SEAL PURSUANT
TO ORDER OF THE COURT DATED
APRIL 22, 2019]

MOHAMAD YASSIN ALCHARJHI

Claimant

1 **DECLARATION OF SPECIAL AGENT ELIZABETH RIVAS**

2 I, Elizabeth Rivas, declare as follows:

3 1. I am a Special Agent (“SA”) for the Federal Bureau of Investigation
4 (“FBI”) and have served in that capacity for more than twenty two years. I am currently
5 assigned to the FBI Los Angeles Office, Organized Crime Squad. I am also a member of
6 the Art Crime Team of the FBI. On the Art Crime Team, my current responsibilities
7 involve the investigation of art theft, art fraud, and other criminal violations related to
8 the theft of cultural artifacts and antiquities. I have attended classes and courses
9 conducted by the FBI and other agencies regarding art and antiquities theft and
10 smuggling. As a result of my training and experience, I am familiar with how
11 individuals involved in the theft of art and antiquities operate and the patterns generally
12 utilized by these individuals. I have become well-versed in the methodology utilized by
13 individuals involved in the trafficking of stolen art and other stolen property.

14 2. On May 23, 2018, Plaintiff United States of America (the “government”)
15 filed a civil forfeiture action against the defendant One Ancient Mosaic (the “defendant
16 mosaic”), alleging that the defendant mosaic is subject to forfeiture pursuant to 19
17 U.S.C. § 1595a(c)(1)(A). Thereafter, Claimant Mohamad Yassin Alcharihi (the
18 “Claimant” or “Alcharihi”), filed a claim to the defendant mosaic and an answer to the
19 complaint.

20 3. Alcharihi and others are currently being investigated for violations in the
21 ongoing criminal investigation. The criminal investigation and the instant forfeiture
22 proceedings arise out of the same general facts and will involve many of the same issues
23 of fact and law.

24 4. The ongoing criminal investigation has been unique and time-consuming
25 for a number of reasons. It has been extremely time consuming to review the
26 voluminous data obtained from eleven digital devices and four email accounts associated
27 with the Claimant and others that were searched pursuant to federal warrants. Many of
28 the records were in a foreign language and therefore needed to be translated. Agents are

1 continuing to review and organize the voluminous evidence in the ongoing criminal
2 investigation.

3 5. In addition to reviewing voluminous amounts of digital evidence, agents
4 also conducted additional investigation to identify and locate the individuals that
5 Claimant was communicating with both in the United States and abroad. Agents
6 conducted interviews of multiple witnesses in the U.S. Agents submitted a request for
7 authorities in another country to locate and interview a close associate of Alcharihi who
8 was involved in the purchase of the defendant mosaic. Because the associate resides in a
9 foreign country, this interview request must be processed through the foreign country's
10 authorities. This process typically takes several months and is outside the control of the
11 case agents.

12 6. Also, due to the unique nature of the defendant mosaic, it has been difficult
13 to identify experienced and qualified experts to evaluate the defendant mosaic. Agents
14 have made progress in this area and met with an expert and appraiser. Agents also
15 identified a conservator and a geologist who recently examined the defendant mosaic
16 and took samples of the mosaic for scientific testing. Upon completion of their testing,
17 they will submit reports and we will then need to schedule a meeting with the various
18 experts to complete the final evaluation of the defendant mosaic. It is hopeful that the
19 in-person meeting will be completed within the next 60 days.

20 7. The government is evaluating potential criminal charges against Claimant
21 and is hopeful that it will be in a position to make a charging decision after the experts
22 have completed their testing and reports and the interview of the associate of Alcharihi
23 has taken place.

24 8. Civil discovery and the filing of a motion for summary judgment will most
25 likely adversely affect the ability for the government to conduct the related criminal
26 investigation because it will subject the government's criminal investigation to early civil
27 discovery before an indictment is obtained and a criminal trial takes place.

28 9. In order for the government to present its evidence in support of a motion

1 for summary judgment, the government would be required to submit testimonial
2 declarations from law enforcement and other government witnesses, whose testimony
3 are central to the ongoing criminal investigation, creating risks of jeopardizing the
4 criminal investigation.

5 10. As noted in the civil forfeiture complaint, a number of witnesses and an
6 expert were not identified by name to protect their identities while the criminal
7 investigation is ongoing. The government has also not requested the unsealing of the
8 affidavit in support of the federal search and seizure warrant to protect the identities of
9 witnesses and other sensitive information contained in the affidavit before an indictment
10 is obtained and arrests are made. Disclosure of the government's witnesses in the civil
11 matter may also cause Claimant or others to intimidate the witnesses before they could
12 testify in the criminal proceedings.

13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct and that this declaration is executed in Los Angeles,
15 California, on April 18, 2019. *A.*

ELIZABETH RIVAS
Special Agent
Federal Bureau of Investigation